IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 4017 of 1998

Between:

Smt. Kalavathi, W/o. Vaikuntam,
R/o. H.No. 11/136, Anjaiah Nagar,
Hyderabad.

... PETITIONER

AND

1 The District Collector, Ranga Reddy.
2 The District Manager, Housing Corp, Ranga Reddy.
3 The District Revenue Officer, R.R.Dist.,.
4 The Station House Officer, Chandanagar P.S.Chandanagar,
Serilingampally Mandal, R.R.Dist.,.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 1 to 3 in issuing the cancellation proceedings of the house site patta vide order No. D1/6785/93 dated 23/01/1996 to the extent of cancellation of House site patta of the petitioner H.No. 11/136 situated at Anjaiah Nagar, Gachi Bowli, Hyderabad R.R.Dist., is illegal, arbitrary and against the rules and regulation and natural justice and set aside the same to the extent of the petitioner's house site patta No. 11/136 and consequently direct the respondent 1 to 3 receive the balance of due from the petitioner towards the coast of the construction of house No.11/136 situated at Anjaiah Nagar, Gachibowli and handover the house site patta to the petitioner immediately.

Counsel for the Petitioner: MR.N.SAIDA RAO

Counsel for the Respondents 1 and 3: Govt. Pleader for Revenue

The Court made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents 1 to 3 in issuing cancellation proceedings of the House site patta vide order No.D1/6785/93 dated 23-01-1996 to the extent of cancellation of Hose site patta of the petitioner H.No.11/136 at Anjaiah Nagar, Gachibowli, Hyderabad as illegal and arbitrary.

2. It is the case of the petitioner that she had applied for allotment of house in the year 1982 to the first respondent under the Weaker Section Scheme. Thereafter, the R.D.O, Chevella Division, R.R. District allotted a house site admeasuring 110 square yards, in the year 1982 in S.No.136 at Anjaiah Nagar, Gachibowli, Hyderabad and later the Housing Corporation has constructed a house in the said site on payment of Rs.7,000/- and she had paid the installments due. It is stated that owing to her weak financial position and she being sick, petitioner could not pay the balance of installments for a certain period and later paid the said amount, requesting the second respondent to continue the installments, assuring him to pay the balance either in lump sum or installments. It is alleged that, second respondent, without any reason, is neither receiving the installments, nor giving proper answer to the petitioner. It is further alleged that the District Revenue Officer, Ranga Reddy District, without proper enquiry, cancelled 230 house site pattas, including the petitioner's, stating that she had violated the conditions of patta, which gave rise to filing the present writ petition.

3. This Court, while admitting the writ petition, granted status quo on 16-02-1998. No counter affidavit has been filed by the respondents.

4. It is stated by the learned counsel for the petitioner that petitioner has also preferred an appeal before the District Collector and the same is pending on his file. It is further stated that questioning the proceedings of cancellation of house site pattas, similarly placed persons as that of this writ petition, have filed W.A.No.16350 of 2002 before this Court, and this Court directed the authorities concerned to

consider the explanation submitted by the petitioners therein, which reads as under.

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> *" On a hearing of the learned counsel appearing on behalf of the appellants as well as the respondents, it would appear to us that the grievance of the appellants requires a detailed consideration by the appropriate authority, who is competent to decide the fact as to whether the appellants are entitled for retention of the houses said to have been allotted to them originally in the year 1982 and later on in the year 1986. That being so, we dispose of the writ appeal permitting the appellants to place their grievance before the concerned authorities and the said authorities shall examine the claims of the appellants individually and decide the matter in accordance with the rules. We also clarify that the respondents-authorities shall also take into consideration about the fact that the revision petitions filed by the appellants are pending before the Government on the question of cancellation of pattas, which was done in the year 1996. The respondents-authorities shall decide this issue keeping in view all these aspects and resolve the issue as expeditiously as possible. Since we have permitted the appellants to participate in enquiry pending before the respondents, the order dated 28-11-2000 made by the learned single Judge in W.P.No.19845 of 2000 shall be modified as indicated above. We also make it clear that the respondents-authorities cannot sit over the matter for an indefinite period. We are of the view that the matter, which relates to providing houses by the Housing Corporation to the appellants as well as the respondents in the writ appeal, requires immediate attention of all the concerned. We, therefore direct the respondents-authorities to decide these issues as expeditiously as possible, preferably within a period of 3 (three) months from the date of receipt of a copy of this order.*
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> *The writ appeal is accordingly ordered. No costs".*

Having regard to the facts and circumstances of the case and following the ratio in the aforementioned judgment of the Division Bench, this writ petition is disposed of directing the first respondent, District Collector, to consider the case of the petitioner and pass appropriate orders, expeditiously, in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

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N.V. RAMANA, J

February 21, 2005

MRR